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OFFICE OF PETITIONS

In re Application of :
Michael Renne Ty Tan et al :
Application No. 10/042,590 : **DECISION ON PETITION**
Filed: January 9, 2002 :
Attorney Docket No. 10010679-1 :

This is a decision on the petition, filed September 22, 2003,¹ which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action (restriction requirement) mailed February 12, 2003, which set a one (1) month shortened statutory period for reply. Accordingly, a reply thereto was due on or before March 12, 2003. A Notice of Abandonment was mailed on August 29, 2003.

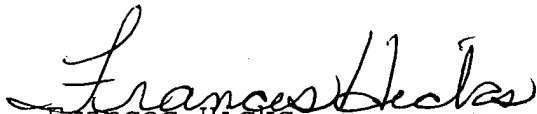
Petitioner asserts that a timely reply to the February 12, 2003 Office action was in fact timely filed via certificate of mailing on February 28, 2003. In support of this assertion, petitioner has supplied a copy of the previously filed reply bearing a certificate of mailing date of February 28, 2003, as well as a stamped return postcard, which acknowledges receipt on March 6, 2003 of a response for Application No. 10/041,590 (and having docket No. 50110-1830, which is not the docket number for this application). The copy of the reply supplied with the petition includes all the correct identifying data for this application, except for the application number. The postcard receipt correctly identifies this application solely by the applicant's last name and title of the invention.

¹ The existence of this petition was only recently brought to the attention of the Office of Petitions. The delay in replying to this petition is sincerely regretted.

Under Office procedure, a response that has an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the paper with the instant file.

Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application.

This application is being referred to Technology Center AU 2828 for appropriate action on the reply to the February 12, 2003 restriction requirement.

A handwritten signature in cursive script, appearing to read "Frances Hicks".

Frances Hicks
Petitions Examiner
Office of Petitions